

DATE: SEPTEMBER 7, 2006

AT: 2:30 - 4:30 PM

BEFORE JUDGE DENIS R. HURLEY:

ORDER TO SHOW CAUSE HEARING

CASE NUMBER: CV-06-4786

TITLE: C.L.J AND C.J. V. BOARD OF EDUCATION

APPEARANCES: FOR PLAINTIFF: DEBORAH REBORE

FOR DEFENDANT: BARBARA ALOE; VANESSA SHEEHAN

COURT REPORTER: MARY ANN STEIGER

X CASE CALLED.

X COUNSEL FOR ALL SIDES PRESENT.

X THE FOLLOWING RULINGS WERE MADE:

For the reasons stated on the record, plaintiffs' motion for a mandatory injunction to compel defendants to provide services to plaintiff is denied.

The Court finds the plaintiffs have failed to prove irreparable harm, at this time and a likelihood of success on the merits.

Plaintiffs have not exhausted all their administrative remedies as an independent hearing has not yet been scheduled.

With a new independent hearing officer assigned to the case, defendants have not frustrated the process to make an independent hearing futile.

So Ordered.

_____/s/
Denis R. Hurley, U.S.D.J